

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL CASE NO. 2:12cv67

PENNY ELMORE,)	
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
AUTO OWNERS INSURANCE CO.)	
and WELLS FARGO BANK, N.A.,)	
)	
Defendants.)	
)	

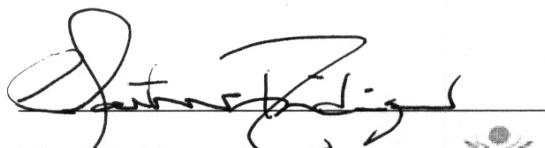
THIS MATTER is before the Court on the Plaintiff's Motion to Stay Proceedings [Doc. 6].

Plaintiff's counsel advises that the insurance policy which is at issue in this case contains a provision requiring the parties to engage in an appraisal process. Counsel further advises that in a recent decision, the North Carolina Court of Appeals held that participation in the appraisal process is a condition precedent to filing suit. Patel v. Scottsdale Ins. Co., ___ N.C. App. ___, 728 S.E.2d 394 (2012). Counsel for the Defendants agree. As a result, the Court will stay this matter pending completion of the appraisal process.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion to Stay Proceedings [Doc. 6] is hereby **GRANTED** and this matter is hereby **STAYED** pending completion of the appraisal process.

IT IS FURTHER ORDERED that on or before thirty (30) days from completion of the appraisal process, the Plaintiff shall file notice thereof in this action.

Signed: October 19, 2012



Martin Reidinger
United States District Judge

